

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RICHARD S.,

Petitioner,

vs

9:04-CV-1403

SHARON CARPINELLO, RN, PhD., Commissioner,
New York State Office of Mental Health; and JAMES
SPOONER, Executive Director, St. Lawrence
Psychiatric Center,
Respondents.

APPEARANCES:

OF COUNSEL:

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Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

The petitioner, Richard S., brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the above action. By a report recommendation dated March 17, 2008, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and dismissed. Petitioner has filed timely objections to the report and recommendation.

Based upon a de novo determination of the report and recommendation, including the portions to which petitioner has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

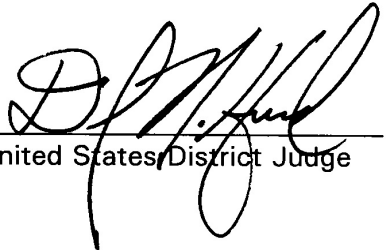
Therefore, it is

ORDERED that

1. The petition of Richard S. is DENIED and DISMISSED in all respects; and
2. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: July 22, 2008
Utica, New York.



United States District Judge